

or of conversion by bailee, but shall be cumulative thereof.

SEC. 3. The fact that there is now no law protecting persons, firms and corporations of this State from fraudulent misapplication and conversion by directors, officers, agents and attorneys at law or in fact, of incorporated companies and institutions, joint stock companies and voluntary associations, of money and property which has come into the possession or is in the care or custody of such incorporated companies and institutions, joint stock companies and voluntary associations, as agents of the owner of such money or property, creates an emergency and an imperative public necessity which demands that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 50 passed the House by a vote of 119 yeas, 0 nays; passed the Senate by a vote of 27 yeas, 0 nays.]

Approved June 8, 1933.

Effective June 8, 1933.

RELATING TO THE TAKING, INJURY OR DESTRUCTION
OF TREES, SHRUBS, VINES, FLOWERS OR
MOSS ON CERTAIN LANDS.

H. B. No. 47.]

CHAPTER 230.

An Act to prohibit the wilful taking, injury, or destruction of trees, shrubs, vines, flowers, and moss growing on the enclosed land of another, or on land reserved, set aside, or maintained by the State as a public park, or as a refuge or sanctuary for wild animals, birds, or fish, without previous written permission of the owner of such land, or his representative, or of the superintendent or custodian of such park, refuge, or sanctuary; to prohibit the transportation, carriage or conveyance or the sale or the exposure for sale of certain wild plants or parts thereof; requiring certain officers and employees of the State to enforce this Act; and prescribing penalties for violations thereof; and making certain exceptions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That it shall be unlawful for any person wilfully to pick, pull, pull up, tear up, dig up, cut, break, injure, burn or destroy any tree, shrub, vine, flower or moss growing upon the enclosed land of another, or upon any land reserved, set aside, or maintained by this State as a public park, or as a preserve, or sanctuary for trees, plants, wild animals, birds, or fish, without having previously obtained the permission of such other or his representative or of the superintendent or custodian of such park, refuge, or sanctuary, so to do.

SEC. 2. That it shall be unlawful for any person to transport, carry, or convey, on any public highway, or to sell or expose for sale in any place any holly, youpon, smilax, dogwood, redbud, (Judas Tree) grey beard (fringe tree), jessamine, bluebonnets, Indian blankets (Indian paint brushes), cactus, gallardias, gentians (Texas Blue Bells), gay feathers (blazing star of liatris), wild or native, or evergreen or decorative trees, shrubs, vines, flowers, ferns, or moss which has been gathered, picked, cut, or dug in violation of this Act.

Provided, however, that in any prosecution under this Section it shall be a defense, that the plants, or the flowers, roots, bulbs, or other parts thereof transported, carried, or conveyed or sold, or offered for sale by him were grown under cultivation, or were taken from his own land or land under lease by him or were taken from the land of another with such other's, or his representative's permission.

SEC. 3. That any person who shall wilfully do any act made unlawful by this Act shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Ten Dollars (\$10.00); provided that the provisions of this Act shall not apply to persons, firms or corporations while in the act of clearing and maintaining rights of way and poles, wires and other construction by or for Public Utilities; nor shall this Act apply to any person under seventeen years of age.

SEC. 4. That as used in this Act the words "person" and "another" shall be construed to embrace any firm, partnership, corporation, association, society, or organization, as well as a natural person.

[NOTE.—H. B. No. 47 passed the House, May 16, 1933, by a vote of 54 yeas, 50 nays; House refused to concur in Senate amendments, May 26, 1933, and Conference Committee was appointed; House adopted Conference Committee Report, May 29, 1933, by a vote of 62 yeas, 60 nays; passed the Senate, as amended, May 25, 1933, by a vote of 25 yeas, 1 nay; Senate adopted Conference Committee Report, May 27, 1933, by a viva voce vote.]

Approved June 9, 1933.

Effective 90 days after adjournment.